

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Dorset, Town of, Bennington County ....	500014	July 29, 1975, Emerg; August 1, 1986, Reg; December 2, 2015, Susp.	.....do .....	Do.
Landgrove, Town of, Bennington County.	500178	December 23, 1975, Emerg; September 18, 1985, Reg; December 2, 2015, Susp.	.....do .....	Do.
Manchester, Town of, Bennington County.	500015	January 28, 1972, Emerg; April 3, 1978, Reg; December 2, 2015, Susp.	.....do .....	Do.
Manchester, Village of, Bennington County.	500179	September 10, 1975, Emerg; August 19, 1986, Reg; December 2, 2015, Susp.	.....do .....	Do.
Peru, Town of, Bennington County .....	500181	August 12, 2013, Emerg; N/A, Reg; December 2, 2015, Susp.	.....do .....	Do.
Pownal, Town of, Bennington County ...	500016	July 9, 1975, Emerg; April 1, 1980, Reg; December 2, 2015, Susp.	.....do .....	Do.
Rupert, Town of, Bennington County ....	500018	May 27, 1975, Emerg; September 18, 1985, Reg; December 2, 2015, Susp.	.....do .....	Do.
Sandgate, Town of, Bennington County	500183	June 5, 2013, Emerg; N/A, Reg; December 2, 2015, Susp.	.....do .....	Do.
Shaftsbury, Town of, Bennington County.	500019	July 2, 1975, Emerg; September 18, 1985, Reg; December 2, 2015, Susp.	.....do .....	Do.
Stamford, Town of, Bennington County	500020	June 10, 1975, Emerg; July 3, 1978, Reg; December 2, 2015, Susp.	.....do .....	Do.
Sunderland, Town of, Bennington County.	500021	September 10, 1975, Emerg; November 1, 1985, Reg; December 2, 2015, Susp.	.....do .....	Do.
Winhall, Town of, Bennington County ...	500022	September 10, 1975, Emerg; June 19, 1989, Reg; December 2, 2015, Susp.	.....do .....	Do.
Woodford, Town of, Bennington County	500023	November 13, 1975, Emerg; September 18, 1985, Reg; December 2, 2015, Susp.	.....do .....	Do.
<b>Region III</b>				
Virginia:				
Isle of Wight County, Unincorporated Areas.	510303	May 20, 1975, Emerg; August 19, 1991, Reg; December 2, 2015, Susp.	.....do .....	Do.
Smithfield, Town of, Isle of Wight County.	510081	September 24, 1974, Emerg; December 5, 1990, Reg; December 2, 2015, Susp.	.....do .....	Do.
Windsor, Town of, Isle of Wight County .....	510295	August 11, 1988, Emerg; August 1, 1990, Reg; December 2, 2015, Susp.	.....do .....	Do.
<b>Region V</b>				
Illinois:				
Galena, City of, Jo Daviess County .....	175168	August 27, 1971, Emerg; July 20, 1973, Reg; December 2, 2015, Susp.	.....do .....	Do.
Jo Daviess County, Unincorporated Areas ..	170902	April 19, 1979, Emerg; January 18, 1984, Reg; December 2, 2015, Susp.	.....do .....	Do.
<b>Region IX</b>				
Arizona: Fort Mojave Indian Tribe, Mohave County.	040133	January 31, 1992, Emerg; March 18, 1996, Reg; December 2, 2015, Susp.	.....do .....	Do.

\*-do- =Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: October 20, 2015.

**Roy E. Wright,**

*Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[MD Docket Nos. 12-201; 13-140; 14-92; FCC 14-88]

#### Assessment and Collection of Regulatory Fees for Fiscal Year 2014; Assessment and Collection of Regulatory Fees for Fiscal Year 2013; and Procedures for Assessment and Collection of Regulatory Fees

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission amends language in its rules to reflect that regulatory fees must be paid electronically, and can no longer be paid by check or money order. Electronic payments are not only cost-effective, they are also efficient and can provide an electronic “paper trail”. As a result, in an effort to improve efficiency, the Commission discontinued the practice of paying regulatory fees with a check or money order.

**DATES:** Effective November 30, 2015.

**FOR FURTHER INFORMATION CONTACT:** Roland Helvajian, Office of Managing Director at (202) 418-0444.

**SUPPLEMENTARY INFORMATION:** These revisions to the Commission's rules were first published as a proposed rule along with the Commission's Assessment and Collection of Regulatory Fees for Fiscal Year 2014, *Notice of Proposed Rulemaking*, 79 FR 37982, July 3, 2014, but it is now being published as a final rule.

## I. Administrative Matters

### A. Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980 (RFA),<sup>1</sup> the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order. The FRFA is contained towards the end of this document.

### B. Final Paperwork Reduction Act of 1995 Analysis

2. This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The Commission submitted the PRA documents to the Office of Management and Budget (OMB) under section 3507(d) of the PRA, and obtained OMB approval on May 30, 2014. Consequently, the requirement to obtain OMB approval for new and modified information collection has been fulfilled. Finally, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission sought previous comment on how it might further reduce the information collection burden on small businesses with fewer than 25 employees.

### C. Congressional Review Act

3. The Commission will send a copy of this *Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

## II. Regulatory Flexibility Analysis

4. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),<sup>2</sup> an Initial Regulatory Flexibility Analysis (IRFA) was included in the *FY 2014 Notice of Proposed Rulemaking* to

which this *Order* was attached.<sup>3</sup> The Commission sought written public comment on these proposals including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the IRFA.<sup>4</sup>

### A. Need for, and Objectives of, the Order

5. In this *Order*, the Commission amends language to sections 1.1112, 1.1158, 1.1161, and 1.1164 of its rules to note that regulatory fee payments must be made electronically, and payments by check and/or money order will no longer be accepted.

6. In various places within the Code of Federal Regulations (CFR), the Commission specifies the method of payment that can be made for various types of fees (e.g. regulatory fees, application fees, auction fees, etc.). The basic method of fee payment has historically been by check or money order, but in more recent times, electronic forms of payment (e.g. credit card, ACH Debit, and wire transfer) have dominated the payment process. Electronic payments are not only cost-effective, they are also efficient and can provide an electronic “paper trail”. As a result, in an effort to improve efficiency, the Commission discontinued the practice of paying regulatory fees with a check or money order. This *Order* amends the Commission's rules to state that payment of regulatory fees must be electronic and checks and/or money orders will no longer be accepted as a form of payment.

### B. Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA

7. None.

### C. Description and Estimate of the Number of Small Entities To Which the Rules Will Apply

8. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted.<sup>5</sup> The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small

governmental jurisdiction.”<sup>6</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>7</sup> A “small business concern” is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>8</sup> Nationwide, there are a total of approximately 27.9 million small businesses, according to the SBA.<sup>9</sup>

9. *Wired Telecommunications Carriers*. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.”<sup>10</sup> The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees.<sup>11</sup> Census data for 2007 shows that there were 3,188 firms that operated that year. Of this total, 3,144 operated with less than 1,000 employees.<sup>12</sup> Thus, under this size standard, the majority of firms in this industry can be considered small.

<sup>6</sup> 5 U.S.C. 601(6).

<sup>7</sup> 5 U.S.C. 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the *Federal Register*.”

<sup>8</sup> 15 U.S.C. 632.

<sup>9</sup> *See* SBA, Office of Advocacy, “Frequently Asked Questions,” [http://www.sba.gov/sites/default/files/FAQ\\_Sept\\_2012.pdf](http://www.sba.gov/sites/default/files/FAQ_Sept_2012.pdf).

<sup>10</sup> <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>.

<sup>11</sup> *See* 13 CFR 120.201, NAICS Code 517110.

<sup>12</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSZ5&prodType=table).

<sup>1</sup> *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 847 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

<sup>2</sup> 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612 has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 847 (1996).

<sup>3</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2014, Assessment and Collection of Regulatory Fees for Fiscal Year 2013, and Procedures for Assessment and Collection of Regulatory Fees*, Notice of Proposed Rulemaking, Second Further Notice of Proposed Rulemaking, and Order, MD Docket Nos. 14–92, 13–140, and 12–201, 29 FCC Rcd 6417 (2014) (*FY 2014 NPRM*).

<sup>4</sup> 5 U.S.C. 604.

<sup>5</sup> 5 U.S.C. 603(b)(3).

10. *Local Exchange Carriers (LECs)*. Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.<sup>13</sup> According to Commission data, census data for 2007 shows that there were 3,188 firms that operated that year. Of this total, 3,144 operated with fewer than 1,000 employees.<sup>14</sup> The Commission therefore estimates that most providers of local exchange carrier service are small entities that may be affected by the rules adopted.

11. *Incumbent LECs*. Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees.<sup>15</sup> According to Commission data, 3,188 firms operated in that year. Of this total, 3,144 operated with fewer than 1,000 employees.<sup>16</sup> Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies adopted. Three hundred and seven (307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers.<sup>17</sup> Of this total, an estimated 1,006 have 1,500 or fewer employees.<sup>18</sup>

12. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers*. Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications

Carriers, as defined in paragraph 6 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees.<sup>19</sup> U.S. Census data for 2007 indicate that 3,188 firms operated during that year. Of that number, 3,144 operated with fewer than 1,000 employees.<sup>20</sup> Based on this data, the Commission concludes that the majority of Competitive LECs, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services.<sup>21</sup> Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees.<sup>22</sup> In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees.<sup>23</sup> Also, 72 carriers have reported that they are Other Local Service Providers.<sup>24</sup> Of this total, 70 have 1,500 or fewer employees.<sup>25</sup> Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities that may be affected by the rules adopted.

13. *Interexchange Carriers (IXCs)*. Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.<sup>26</sup> U.S. Census data for 2007 indicates that 3,188 firms operated during that year. Of that number, 3,144 operated with fewer than 1,000 employees.<sup>27</sup> According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange

services.<sup>28</sup> Of this total, an estimated 317 have 1,500 or fewer employees.<sup>29</sup> Consequently, the Commission estimates that the majority of interexchange service providers are small entities that may be affected by the rules adopted.

14. *Prepaid Calling Card Providers*. Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. The appropriate NAICS Code category for prepaid calling card providers is Telecommunications Resellers. This industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Mobile virtual networks operators (MVNOs) are included in this industry.<sup>30</sup> Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.<sup>31</sup> U.S. Census data for 2007 show that 1,523 firms provided resale services during that year. Of that number, 1,522 operated with fewer than 1,000 employees.<sup>32</sup> Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities. According to Commission data, 193 carriers have reported that they are engaged in the provision of prepaid calling cards.<sup>33</sup> All 193 carriers have 1,500 or fewer employees.<sup>34</sup> Consequently, the Commission estimates that the majority of prepaid calling card providers are small entities that may be affected by the rules adopted.

15. *Local Resellers*. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees.<sup>35</sup> Census data for 2007 show that 1,523 firms provided resale services during that year. Of that number, 1,522 operated with fewer than 1,000

<sup>13</sup> 13 CFR 121.201, NAICS code 517110.

<sup>14</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSZ5&prodType=table).

<sup>15</sup> 13 CFR 121.201, NAICS code 517110.

<sup>16</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSZ5&prodType=table).

<sup>17</sup> See *Trends in Telephone Service*, Federal Communications Commission, Wireline Competition Bureau, Industry Analysis and Technology Division at Table 5.3 (Sept. 2010) (*Trends in Telephone Service*).

<sup>18</sup> *Id.*

<sup>19</sup> 13 CFR 121.201, NAICS code 517110.

<sup>20</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSZ5&prodType=table).

<sup>21</sup> See *Trends in Telephone Service*, at Table 5.3.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> 13 CFR 121.201, NAICS code 517110.

<sup>27</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSZ5&prodType=table).

<sup>28</sup> See *Trends in Telephone Service*, at Table 5.3.

<sup>29</sup> *Id.*

<sup>30</sup> <http://www.census.gov/cgi-bin/ssd/naics/naicsrch>.

<sup>31</sup> 13 CFR 121.201, NAICS code 517911.

<sup>32</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSZ5&prodType=table).

<sup>33</sup> See *Trends in Telephone Service*, at Table 5.3.

<sup>34</sup> *Id.*

<sup>35</sup> 13 CFR 121.201, NAICS code 517911.

employees.<sup>36</sup> Under this category and the associated small business size standard, the majority of these local resellers can be considered small entities. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale services.<sup>37</sup> Of this total, an estimated 211 have 1,500 or fewer employees.<sup>38</sup> Consequently, the Commission estimates that the majority of local resellers are small entities that may be affected by the rules adopted.

16. *Toll Resellers.* The Commission has not developed a definition for Toll Resellers. The closest NAICS Code Category is Telecommunications Resellers, and the SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees.<sup>39</sup> Census data for 2007 show that 1,523 firms provided resale services during that year. Of that number, 1,522 operated with fewer than 1,000 employees.<sup>40</sup> Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services.<sup>41</sup> Of this total, an estimated 857 have 1,500 or fewer employees.<sup>42</sup> Consequently, the Commission estimates that the majority of toll resellers are small entities that may be affected by the rules adopted.

17. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable NAICS Code category is for Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.<sup>43</sup> Census data for 2007 shows that there were 3,188 firms

that operated that year. Of this total, 3,144 operated with fewer than 1,000 employees.<sup>44</sup> Thus, under this category and the associated small business size standard, the majority of Other Toll Carriers can be considered small. According to internally developed Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage.<sup>45</sup> Of these, an estimated 279 have 1,500 or fewer employees.<sup>46</sup> Consequently, the Commission estimates that most Other Toll Carriers are small entities that may be affected by the rules and policies adopted.

18. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves, such as cellular services, paging services, wireless internet access, and wireless video services.<sup>47</sup> The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, Census data for 2007 show that there were 1,383 firms that operated for the entire year. Of this total, 1,368 firms had fewer than 1,000 employees. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services.<sup>48</sup> Of this total, an estimated 261 have 1,500 or fewer employees.<sup>49</sup> Consequently, the Commission estimates that approximately half of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

19. *Cable Television and Other Subscription Programming.*<sup>50</sup> Since

2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers. That category is defined as follows: "This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies."<sup>51</sup> The SBA has developed a small business size standard for this category, which is: All such firms having 1,500 or fewer employees.<sup>52</sup> Census data for 2007 shows that there were 3,188 firms that operated that year. Of this total, 3,144 had fewer than 1,000 employees.<sup>53</sup> Thus under this size standard, the majority of firms offering cable and other program distribution services can be considered small and may be affected by rules adopted.

20. *Cable Companies and Systems.* The Commission has developed its own

Telecommunications Carriers. Wired Telecommunications Carriers is still a current and valid NAICS Code Category. Because of the similarity between "Cable and Other Subscription Programming" and "Cable and Other Program Distribution," we will, in this proceeding, continue to use Wired Telecommunications Carrier data based on the U.S. Census. The alternative of using data gathered under Cable and Other Subscription Programming (NAICS Code 515210) is unavailable to us for two reasons. First, the size standard established by the SBA for Cable and Other Subscription Programming is annual receipts of \$38.5 million or less. Thus to use the annual receipts size standard would require the Commission either to switch from existing employee based size standard of 1,500 employees or less for Wired Telecommunications Carriers, or else would require the use of two size standards. No official approval of either option has been granted by the Commission as of the time of the release of the *FY 2015 NPRM*. Second, the data available under the size standard of \$38.5 million dollars or less is not applicable at this time, because the only currently available U.S. Census data for annual receipts of all businesses operating in the NAICS Code category of 515210 (Cable and other Subscription Programming) consists only of total receipts for all businesses operating in this category in 2007 and of total annual receipts for all businesses operating in this category in 2012. The data do not provide any basis for determining, for either year, how many businesses were small because they had annual receipts of \$38.5 million or less. See [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2012\\_US\\_5112&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_5112&prodType=table).

<sup>51</sup> U.S. Census Bureau, 2007 NAICS Definitions, "517110 Wired Telecommunications Carriers" (partial definition), (Full definition stated in paragraph 6 of this IRFA) available at <http://www.census.gov/cgi-bin/ssd/naics/naicsrch>.

<sup>52</sup> 13 CFR 121.201, NAICS code 517110.

<sup>53</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US-51SSSZ5&prodType=Table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US-51SSSZ5&prodType=Table).

<sup>36</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table).

<sup>37</sup> See *Trends in Telephone Service*, at Table 5.3.

<sup>38</sup> *Id.*

<sup>39</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table).

<sup>40</sup> *Id.*

<sup>41</sup> *Trends in Telephone Service*, at Table 5.3.

<sup>42</sup> *Id.*

<sup>43</sup> 13 CFR 121.201, NAICS code 517110.

<sup>44</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table).

<sup>45</sup> *Trends in Telephone Service*, at Table 5.3.

<sup>46</sup> *Id.*

<sup>47</sup> NAICS Code 517210. See <http://www.census.gov/cgi-bin/ssd/naics/naicsrch>.

<sup>48</sup> *Trends in Telephone Service*, at Table 5.3

<sup>49</sup> *Id.*

<sup>50</sup> In 2014, "Cable and Other Subscription Programming," NAICS Code 515210, replaced a prior category, now obsolete, which was called "Cable and Other Program Distribution." Cable and Other Program Distribution, prior to 2014, was placed under NAICS Code 517110, Wired

small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a "small cable company" is one serving 400,000 or fewer subscribers nationwide.<sup>54</sup> Industry data indicate that there are currently 4,600 active cable systems in the United States.<sup>55</sup> Of this total, all but ten cable operators nationwide are small under the 400,000-subscriber size standard.<sup>56</sup> In addition, under the Commission's rate regulation rules, a "small system" is a cable system serving 15,000 or fewer subscribers.<sup>57</sup> Current Commission records show 4,600 cable systems nationwide.<sup>58</sup> Of this total, 3,900 cable systems have less than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records.<sup>59</sup> Thus, under this standard as well, we estimate that most cable systems are small entities.

21. *Cable System Operators (Telecom Act Standard)*. The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000."<sup>60</sup> There are approximately 52,403,705 cable video subscribers in the United States today.<sup>61</sup> Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed \$250 million in the aggregate.<sup>62</sup> Based on available data, we find that all but nine incumbent cable operators are small entities under this size standard.<sup>63</sup> We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues

exceed \$250 million.<sup>64</sup> Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed \$250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

22. *All Other Telecommunications*. "All Other Telecommunications" is defined as follows: This U.S. industry is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.<sup>65</sup> The SBA has developed a small business size standard for "All Other Telecommunications," which consists of all such firms with gross annual receipts of \$32.5 million or less.<sup>66</sup> For this category, census data for 2007 show that there were 2,383 firms that operated for the entire year. Of these firms, a total of 2,346 had gross annual receipts of less than \$25 million.<sup>67</sup> Thus, a majority of "All Other Telecommunications" firms potentially affected by the rules adopted can be considered small.

#### *D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements*

23. This Report and Order does not adopt any new reporting, recordkeeping, or other compliance requirements.

<sup>64</sup> The Commission does receive such information on a case-by-case basis if a cable operator appeals a local franchise authority's finding that the operator does not qualify as a small cable operator pursuant to 76.901(f) of the Commission's rules. See 47 CFR 76.901(f).

<sup>65</sup> <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>.

<sup>66</sup> 13 CFR 121.201; NAICS Code 517919.

<sup>67</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSZ5&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSZ5&prodType=table).

#### *E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

24. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives, among others: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.<sup>68</sup>

25. This *Order* does not adopt any new reporting requirements. Therefore no adverse economic impact on small entities will be sustained based on reporting requirements. There will be a regulatory fee instituted on DBS providers due to the adoption of a new fee category, but we anticipate that the two primary DBS companies required to pay these fees are not small entities. Similarly, a new regulatory fee for Responsible Organizations (Resp. Org) has also been instituted in FY 2015 for the toll free number fee category that was previously adopted—the fee rate adopted is 12 cents per year. This is not a new reporting requirement, and should not have any adverse economic impact on small Resp. Org. entities because they are able to recover these assessed fees from their customers.

26. In keeping with the requirements of the Regulatory Flexibility Act, we have considered certain alternative means of mitigating the effects of fee increases to a particular industry segment. For example, beginning in FY 2015 the Commission has increased the *de minimis* threshold from under \$10 to \$500 (the total of all regulatory fees), which will impact many small entities that pay regulatory fees for ITSP, paging, cellular, cable, and Low Power Television/FM Translators. Historically, many of these small entities have been late in making their fee payments to the Commission by the due date. This increase in the *de minimis* threshold to \$500 will relieve regulatees both financially and administratively. Finally, regulatees may also seek waivers or other relief on the basis of financial hardship. See 47 CFR 1.1166.

<sup>68</sup> 5 U.S.C. 603(c)(1) through(c)(4).

<sup>54</sup> 47 CFR 76.901(e).

<sup>55</sup> August 15, 2015 Report from the Media Bureau based on data contained in the Commission's Cable Operations And Licensing System (COALS). See [www.fcc.gov/coals](http://www.fcc.gov/coals).

<sup>56</sup> See SNL KAGAN at <https://snl.cominteractiveX/top/cable/MSOs.aspx?period=2015Q1&sortcol=subscribersbasic&sortorder=desc>.

<sup>57</sup> 47 CFR 76.901(c).

<sup>58</sup> See footnote 2, supra.

<sup>59</sup> August 5, 2015 report from the Media Bureau based on its research in COALS. See [www.fcc.gov/coals](http://www.fcc.gov/coals).

<sup>60</sup> 47 CFR 901 (f) and notes ff. 1, 2, and 3.

<sup>61</sup> See SNL KAGAN at <https://www.snl.com/interactivex/MultichannelIndustryBenchmarks.aspx>.

<sup>62</sup> 47.901(f) and notes ff. 1, 2, and 3.

<sup>63</sup> See SNL KAGAN at [www.snl.com/Interactivex/TopCable/MSOs.aspx](http://www.snl.com/Interactivex/TopCable/MSOs.aspx).

F. Federal Rules That May Duplicate, Overlap, or Conflict

27. None.

III. Ordering Clauses

28. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 159, and 303(r), this Order IS HEREBY ADOPTED.

29. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE November 30, 2015.

30. IT IS FURTHER ORDERED that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

Marlene H. Dortch, Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 15 U.S.C. 79, et seq.; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 332, 1403, 1404, 1451, 1452, and 1455.

■ 2. Section 1.1112 is amended by revising paragraphs (a) and (b), redesignating paragraphs (e) and (f) as paragraphs (f) and (g), and by adding new paragraph (e) to read as follows:

§ 1.1112 Form of payment.

(a) Annual and multiple year regulatory fees must be paid electronically as described in paragraph (e) of this section. Fee payments, other than annual and multiple year regulatory fee payments, should be in the form of a check, cashier's check, or money order denominated in U.S. dollars and drawn on a United States financial institution and made payable to the Federal Communications Commission or by a Visa, MasterCard, American Express, or Discover credit card. No other credit card is acceptable. Fees for applications and other filings paid by credit card will not be accepted

unless the credit card section of FCC Form 159 is completed in full. The Commission discourages applicants from submitting cash and will not be responsible for cash sent through the mail. Personal or corporate checks dated more than six months prior to their submission to the Commission's lockbox bank and postdated checks will not be accepted and will be returned as deficient. Third party checks (i.e., checks with a third party as maker or endorser) will not be accepted.

(1) Although payments (other than annual and multiple year regulatory fee payments) may be submitted in the form of a check, cashier's check, or money order, payors of these fees are encouraged to submit these payments electronically under the procedures described in paragraph (e) of this section.

(2) Specific procedures for electronic payments are announced in Bureau/Office fee filing guides.

(3) It is the responsibility of the payer to insure that any electronic payment is made in the manner required by the Commission. Failure to comply with the Commission's procedures will result in the return of the application or other filing.

(4) To insure proper credit, applicants making wire transfer payments must follow the instructions set out in the appropriate Bureau Office fee filing guide.

(b) Applicants are required to submit one payment instrument (check, cashier's check, or money order) and FCC Form 159 with each application or filing; multiple payment instruments for a single application or filing are not permitted. A separate Fee Form (FCC Form 159) will not be required once the information requirements of that form (the Fee Code, fee amount, and total fee remitted) are incorporated into the underlying application form.

\* \* \* \* \*

(e) Annual and multiple year regulatory fee payments shall be submitted by online ACH payment, online Visa, MasterCard, American Express, or Discover credit card payment, or wire transfer payment denominated in U.S. dollars and drawn on a United States financial institution and made payable to the Federal Communications Commission. No other credit card is acceptable. Any other form of payment for regulatory fees (e.g., paper checks) will be rejected and sent back to the payor.

\* \* \* \* \*

■ 3. Section 1.1158 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 1.1158 Form of payment for regulatory fees.

Any annual and multiple year regulatory fee payment must be submitted by online Automatic Clearing House (ACH) payment, online Visa, MasterCard, American Express, or Discover credit card payment, or wire transfer payment denominated in U.S. dollars and drawn on a United States financial institution and made payable to the Federal Communications Commission. No other credit card is acceptable. Any other form of payment for annual and multiple year regulatory fees (e.g., paper checks, cash) will be rejected and sent back to the payor. The Commission will not be responsible for cash, under any circumstances, sent through the mail.

(a) Payors making wire transfer payments must submit an accompanying FCC Form 159-E via facsimile.

\* \* \* \* \*

■ 4. Section 1.1161 is amended by revising paragraph (a) to read as follows:

§ 1.1161 Conditional license grants and delegated authorizations.

(a) Grant of any application or an instrument of authorization or other filing for which an annual or multiple year regulatory fee is required to accompany the application or filing will be conditioned upon final payment of the current or delinquent regulatory fees. Current annual and multiple year regulatory fees must be paid electronically as described in § 1.1112(e). For all other fees, (e.g., application fees, delinquent regulatory fees) final payment shall mean receipt by the U.S. Treasury of funds cleared by the financial institution on which the check, cashier's check, or money order is drawn. Electronic payments are considered timely when a wire transfer was received by the Commission's bank no later than 6:00 p.m. on the due date; confirmation to pay.gov that a credit card payment was successful no later than 11:59 p.m. (EST) on the due date; or confirmation an ACH was credited no later than 11:59 p.m. (EST) on the due date.

\* \* \* \* \*

■ 5. Section 1.1164 is amended by revising the introductory text to read as follows:

§ 1.1164 Penalties for late or insufficient regulatory fee payments.

Electronic payments are considered timely when a wire transfer was received by the Commission's bank no later than 6:00 p.m. on the due date; confirmation to pay.gov that a credit card payment was successful no later

than 11:59 p.m. (EST) on the due date; or confirmation an ACH was credited no later than 11:59 p.m. (EST) on the due date. In instances where a non-annual regulatory payment (*i.e.*, delinquent payment) is made by check, cashier's check, or money order, a timely fee payment or installment payment is one received at the Commission's lockbox bank by the due date specified by the Commission or by the Managing Director. Where a non-annual regulatory fee payment is made by check, cashier's check, or money order, a timely fee payment or installment payment is one received at the Commission's lockbox bank by the due date specified by the Commission or the Managing Director. Any late payment or insufficient payment of a regulatory fee, not excused by bank error, shall subject the regulatee to a 25 percent penalty of the amount of the fee of installment payment which was not paid in a timely manner.

\* \* \* \* \*

[FR Doc. 2015-27630 Filed 10-29-15; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Part 175

[Docket No. PHMSA-2015-0165]

RIN 2137-AF12

#### Hazardous Materials: Carriage of Battery-Powered Electronic Smoking Devices in Passenger Baggage

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Interim final rule.

**SUMMARY:** PHMSA is issuing an interim final rule to prohibit passengers and crewmembers from carrying battery-powered portable electronic smoking devices (*e.g.*, e-cigarettes, e-cigs, e-cigars, e-pipes, e-hookahs, personal vaporizers, electronic nicotine delivery systems) in checked baggage and prohibit passengers and crewmembers from charging the devices and/or batteries on board the aircraft. These devices may continue to be carried in carry-on baggage. This action is consistent with a similar action taken by the International Civil Aviation Organization (ICAO) that incorporated this restriction into the 2015-2016 Edition of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air by way of an addendum and is necessary to address

an immediate safety risk. This interim final rule does not impact the existing rules on the transport of lithium batteries or other portable electronic devices that are transported for personal use in a passenger's checked or carry-on baggage.

Because the actions taken in this interim final rule address a public safety risk, PHMSA finds that good cause exists to amend the regulations without advance notice and opportunity for public comment. For the reasons described below, public notice is impracticable, unnecessary, and contrary to the public interest. PHMSA encourages persons to participate in this rulemaking by submitting comments containing relevant information, data, or views. We will consider all comments received on or before the closing date for comments. We will consider late filed comments to the extent practicable. This interim final rule may be amended based on comments received.

**DATES: Effective Date:** The effective date of these amendments is November 6, 2015.

**Comments:** Comments must be received by November 30, 2015.

**ADDRESSES:** You may submit comments by any of the following methods:

1. *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. *Fax:* 1-202-493-2251.

3. *Mail:* Docket Management System; U.S. Department of Transportation, Dockets Operations, M-30, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

4. *Hand Delivery:* To U.S. Department of Transportation, Dockets Operations, M-30, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001 between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

**Instructions:** Include the agency name and docket number PHMSA-2015-0165 or RIN 2137-AF12 for this rulemaking at the beginning of your comment. Note that all comments received will be posted without change to <http://www.regulations.gov> including any personal information provided. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

**Privacy Act:** Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the

document (or signing the document, if submitted on behalf of an association, business, labor union, etc.), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**Docket:** You may view the public docket through the Internet at <http://www.regulations.gov> or in person at the Docket Operations office at the above address (See **ADDRESSES**).

**FOR FURTHER INFORMATION CONTACT:** Kevin A. Leary, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, telephone (202) 366-8553.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

A battery-powered portable electronic smoking device (e-cigarette), also called an e-cig, a personal vaporizer or electronic nicotine delivery system, is a battery-powered device that simulates tobacco smoking. E-cigarettes contain a liquid, an atomizer or heating element, and a battery. When an e-cigarette is operated by a user, the heating element vaporizes the liquid. Many e-cigarettes are designed to look like traditional cigarettes, but they are also made to look like cigars, pipes, and even everyday products such as pens. The use of e-cigarettes has been rising substantially and e-cigarettes have increasingly become a common item in passenger baggage. Airline passengers and crewmembers are currently permitted to carry these devices under the provisions for portable electronic devices contained in 49 CFR 175.10(a)(18). However, the provisions for portable electronic devices do not adequately address the safety risks posed by e-cigarettes, which include a heating element as a function of their design.

Recent fire incidents involving e-cigarettes in checked baggage, along with actions taken by the Federal Aviation Administration (FAA) and ICAO, highlight the need for PHMSA to take prompt action to address this issue.

On August 9, 2014, at Boston's Logan Airport, an e-cigarette contained in a passenger's checked bag in the cargo hold of a passenger aircraft caused a fire that forced an evacuation of the aircraft. An airline ramp agent noticed smoke coming from the bag. The bag was removed from the aircraft cargo compartment and investigators determined the source of the fire was an e-cigarette, which continued to burn after it was removed from the bag. Air carrier personnel extinguished the fire. Massport Fire responded and ensured the fire was no longer burning. The fire